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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,510	12/11/2003	Raymond N. Henderson	EH-10963 (03-433)	9237

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BACHMAN & LAPOINTE, P.C.  
900 CHAPEL STREET  
SUITE 1201  
NEW HAVEN, CT 06510

EXAMINER

WILSON, GREGORY A

ART UNIT PAPER NUMBER

3749

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/733,510

Applicant(s)

HENDERSON, RAYMOND N.

Examiner

Gregory A. Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-14 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-5, 8 and 9** are rejected under 35 U.S.C. 102(b) as being anticipated by **McNickle et al (5,558,331)**. **McNickle et al** discloses an apparatus with a metal body (2) having first and second faces (SEE Figures 1 & 5), an inboard surface (82) bounding a central aperture, an outboard perimeter (unnumbered), an array of bolt holes (84, 132) between first and second faces, an annular outboard channel (38) and first and second ports (36) formed on the perimeter (SEE Figure 3), a sealing ring (8) residing in an outboard portion of the channel, a divider (structural groove portion) positioned in the channel separating the ports, the flow of fluid (which could be a cooling fluid) through groove (38) (column 4, lines 58-65) enters the flange through the ports; **McNickle et al** furthermore discloses a mating flange (24') where bolts extend through bolt holes of both mating flanges (Figure 5).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 10-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Plavnik et al (6,684,823)** in view of **McNickle et al (5,558,331)**. **Plavnik et al** discloses a method of ash deposit removal by detonative cleaning and includes a furnace (16) having a wall separating a furnace exterior from a furnace interior and has a wall opening, multiple sootblower outlet is positioned to direct a soot blower gas flow through the opening and has a gas source (32), soot blower conduit (30) portions along a soot blower flowpath between the soot blower gas source and the outlet assembly of the sootblower and positioned along the sootblower gas flowpath (SEE Figures 1, 3, 4, and 6) the outlet conduit is charged and positioned to direct impulse pressure waves into the furnace (16). **Plavnik et al** does not particular disclose structure which connects the soot blower to the furnace. **McNickle et al** teaches a connective flange structure capable of sealing the end of the soot blower to the furnace and furthermore includes a cooling structure (as stated above) which can protect the soot blower conduit (30) from extreme temperatures incurred during detonation. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains to have modified the soot blower conduit to include the mounting structure as defined by **Plavnik et al** for the purpose of locally cooling the outlet portion of the soot blower conduit.

**Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over **McNickle et al (5,558,331)**. **McNickle et al** discloses the applicant's primary inventive concept as stated above but does not particularly recite the number of bolt holes in the body structure. It would have been an obvious matter of design choice to provide at least 8 bolt holes, since such a modification would have involved a mere change in the number of a component, this is generally recognized as being within the level of ordinary skill in the art.

***Allowable Subject Matter***

**Claim 6** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

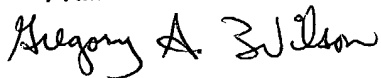
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory A. Wilson whose telephone number is (703) 308-1239. The examiner can normally be reached on 7 am - 4:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on (703)308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GREGORY WILSON  
PRIMARY EXAMINER



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July 29, 2004